



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**  
Case #: BCS - 176268

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on August 20, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Dane Cty. Dept. of Human Services regarding Medical Assistance (MA), a hearing was held on September 20, 2016, by telephone.

The issue for determination is whether the agency correctly discontinued petitioner's BadgerCare Plus (BC+) benefits as of September 1, 2016 due to gross household income above the BC+ gross income eligibility limits for a household of one.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, WI 53703

By: [REDACTED]  
Dane Cty. Dept. of Human Services  
1819 Aberg Avenue  
Suite D  
Madison, WI 53704-6343

**ADMINISTRATIVE LAW JUDGE:**

Kristin P. Fredrick  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.

2. Petitioner began receiving BadgerCare Plus (BC+) benefits in July 2016 for a household of one.
3. On August 5, 2016, the petitioner submitted an online Access Change Report reporting employment at [REDACTED] at \$12.00 per hour and for 39 hours per week.
4. Based upon the petitioner's reported employment, the agency calculated her income to be above the program's counted monthly income limit of \$990.
5. On August 15, 2016, the agency sent the petitioner a Notice of Decision regarding the termination of her BC+ benefits effective September 1, 2016.

### **DISCUSSION**

BadgerCare Plus is a Wisconsin variant of the MA program, for non-elderly, non-disabled Wisconsin residents. The program's nonfinancial eligibility standards were broadened effective April 1, 2014, to include adults who do not have minor children in their home. Wis. Stat. § 49.45(23); *BadgerCare Plus Eligibility Handbook (BCPEH)*, § 2.1, at <http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm>. The petitioner met the nonfinancial eligibility tests for her initial eligibility for the program.

The petitioner must also pass an income test. An eligible applicant cannot have adjusted gross income exceeding 100% of the federal poverty level (FPL). Wis. Stat. § 49.45(23)(a); *BCPEH*, § 16.1. The 100% FPL amount is \$990.00 monthly for a household of one, and \$1,335.00 for a household of two persons in 2016. *Id.*, § 50.1.

The Department has calculated a "counted income" amount (gross income minus applicable deductions) for the petitioner in the amount of \$1,872.00 based upon the petitioner's ACCESS self report of change in income. The petitioner did not dispute the agency's calculation of her income. Because the petitioner's household's income exceeded 100% of the federal poverty level for a household of one, I must conclude that the agency correctly discontinued the petitioner's BadgerCare Plus benefits effective September 1, 2016.

### **CONCLUSIONS OF LAW**

The petitioner's household income exceeds the relevant limit for BadgerCare Plus eligibility and therefore, the Department correctly discontinued the petitioner's BadgerCare Plus benefits effective September 1, 2016.

**THEREFORE, it is**

**ORDERED**

The petition for review herein be and the same is hereby Dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 26th day of September, 2016

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Kristin P. Fredrick  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on September 26, 2016.

Dane Cty. Dept. of Human Services  
Division of Health Care Access and Accountability